JUST VOTE NO: SUMMARY OF ARGUMENTS

****FOR INTERNAL USE ONLY****

Just Vote No strongly opposes the proposed statewide initiative that, if adopted by the voters, would amend the Bill of Rights of the Colorado state Constitution by prohibiting the state of Colorado and any political subdivision (such as cities and counties) from protecting the civil rights of our lesbian and gay citizens. This measure absolutely prohibits the enactment of any legislation protecting lesbian and gay citizens from discrimination. It also prohibits the protection of gay and lesbian citizens in similar legislation, such as the state hate crimes act. Finally, the measure attempts to repeal existing civil rights protection of gay and lesbian citizens. The measure will appear on the November 3, 1992 general election ballot. The defeat of this measure will not result in the extension of civil rights protection to lesbian and gay citizens; rather, the initiative's defeat will simply leave matters as they presently are--which is as they should be. Positive argument.

For several diverse and compelling reasons, Just Vote No believes that the voters of Colorado have no choice but to reject this unfair and discriminatory initiative:

1) Enactment of this measure would undermine the business community's confidence in Colorado. Employers are firmly committed to the principle of nondiscrimination. Employers realize that nondiscrimination is both ethically appropriate and good for business, in that employees are more satisfied and productive when they are treated fairly. While this measure would not directly affect the internal nondiscrimination policies adopted by employers, the adoption of this measure would indelibly imprint the stamp of intolerance on our state. This inevitable consequence could well dissuade businesses, particularly major employers, from relocating to or expanding existing operations in Colorado, because these businesses will seek to avoid this environment of intolerance. Employers consider quality of life an essential aspect of a desirable work location, and respect for diversity is an essential component in the calculation of quality of life.

2) Enactment of this measure is intended to deprive home rule cities of their authority in the area of civil rights. This result runs counter to 90 years of Colorado constitutional history, as the principle of home rule was firmly established in our Constitution upon the adoption of Article XX in 1902. A city's home rule authority is a precious part of its independence under our Constitution. If this measure were adopted, every home rule city in Colorado would suffer from this infringement on its constitutional independence.

3) This measure is blatantly discriminatory. Its acknowledged purpose is to preclude any future civil rights protection, and eliminate all existing civil rights protection, of our gay and lesbian citizens. The intent of the initiative is to ensure that discrimination against gay and lesbian citizens is forever permitted. No group of people should be precluded from seeking civil rights protection, yet this measure does precisely that. The measure singles out gay and lesbian citizens for this disenfranchisement, and in so doing the measure clearly condemns gay and lesbian people to the status of second-class citizen.

4) This measure legitimizes prejudice. It is nothing more than a codification of the assertion that gay and lesbian citizens are inferior, even dangerously so, and deserve specific legal condemnation. Stigmatizing an entire group, rather than evaluating members of the group as individuals, is the essence of prejudice. Once prejudice against any group is legitimized, there will be no boundaries to the future expansion of prejudice against other groups. This is because prejudice, by its very nature, has no limits; if society accepts the premise that enmity toward an entire segment of that society is valid, then there is no rational basis for determining when prejudice is justified and when it is not. All prejudice would be justified under these conditions.

5) This measure is unconstitutional. It violates both the right of gay and lesbian citizens to equal protection of the law (by singling out these citizens for a legal disability) and the right of state and local legislators to free speech (by prohibiting their enactment of legislation). There is specific, authoritative United States Supreme Court precedent holding unconstitutional earlier initiatives from other states legally indistinguishable from this measure: Reitman v. Mulkey (1967); Hunter v. Erickson (1969). Enactment of this measure would involve the state of Colorado in expensive, and ultimately futile, litigation to defend the measure from constitutional scrutiny.

6) Colorado for Family Values, the sponsoring organization, has acted unethically and, for this reason, should be repudiated. CFV's position paper is largely devoted to malicious and dishonest attacks on gay and lesbian citizens that have no relationship to the question presented, that are intended only to appeal to prejudice against lesbian and gay citizens, and that would never be tolerated if directed against any other segment of our society.

For its deceitful statistics, CFV relies extensively on one thoroughly discredited psychologist, Paul Cameron, who was expelled from the American Psychological Society in 1983 for violating ethical principles through misrepresenting scientific data regarding gay and lesbian people. A scathing 1986 condemnation by the American Sociological Society characterized Cameron's work as "statistical claims ranging from the grotesque to the absurd" and as similar to "the Nazi ideology on homosexuality." Cameron also has been disavowed by at least three other professional associations--the Nebraska Psychological Association (1982, 1984), the Midwest Sociological Society (1985), and the Society for the Study of Social Problems (1985).

An organization that engages in this sort of dishonesty simply cannot be trusted to amend our state Constitution.

7) CFV falsely asserts that the issue presented is whether lesbian and gay citizens should have "special rights." When other groups of citizens who are subject to discrimination are protected by civil rights enactments, this protection is not considered a "special right." That protection is viewed as society's guarantee that all citizens will be treated fairly and without discrimination. The same protection of lesbian and gay citizens, where it exists, is no different.

(Note: The proposed initiative extends to bisexual citizens as well as gay and lesbian citizens, and this summary of arguments similarly encompasses our state's bisexual citizens.)